

## CHAPTER 2-03-02 ETHICS

### Section

2-03-02-01	Practicing Law
2-03-02-02	Confidentiality
2-03-02-03	Public Duty
2-03-02-04	Abstracters Serve the Interests of Real Estate Owners, Purchasers, and Lenders

**2-03-02-01. Practicing law.** Abstracters are well-versed in land title law and may find customers seeking to rely upon the abstracter's advice in legal matters. Abstracters are not attorneys by virtue of their certificate of registration or authority from the board. Abstracters may provide professional advice within the scope of practice as an abstracter, but they may not provide title examination nor shall abstracters create legal documents for customers. All these acts may be deemed to be practicing law, and may not be performed by an abstracter unless the abstracter is admitted to practice law by the North Dakota supreme court.

**History:** Effective April 1, 2006.

**General Authority:** NDCC 43-01-05, 43-01-16

**Law Implemented:** NDCC 43-01-16

**2-03-02-02. Confidentiality.** Abstracters shall practice confidentiality in all facets of their work in order to protect their customers' privacy.

**History:** Effective April 1, 2006.

**General Authority:** NDCC 43-01-05, 43-01-16

**Law Implemented:** NDCC 43-01-16

**2-03-02-03. Public duty.** Abstracters must at all times conscientiously perform their duties to protect the legal rights and expectations of their customers and the community, they must provide the best possible abstract products and services, and they shall at all times maintain honesty in providing their services. Ready transferability of land ownership or interests result from accuracy and perfection of titles and therefore abstracters shall issue abstracts of title only after a complete, thorough search founded on adequate records and they shall conduct their business so that the needs of their customers and the community are given paramount importance.

**History:** Effective April 1, 2006.

**General Authority:** NDCC 43-01-05

**Law Implemented:** NDCC 43-01-16

**2-03-02-04. Abstracters serve the interests of real estate owners, purchasers, and lenders.**

1. Abstracters shall facilitate transactions involving title by eliminating delays and unnecessary exceptions and making their services available

in a manner which will encourage transferability of title. Abstracters and their employees may not engage in any unfair or deceptive acts or practices and shall conduct their business so as to promote the public interest and the continued integrity and stability of the abstract profession.

2. Abstract companies, abstracters, and abstract company employees must be courteous and prompt when communicating with their customers regarding timelines, abstract products, and other issues in order to avoid misunderstandings and prevent hardship for the customers.
3. Abstracters serve the public by assisting with other people's business transactions. This duty requires trust and confidence in the abstract profession. Abstract companies, abstracters, and abstract company employees may not abuse their position by wrongfully interfering with transactions between their customers and other people. Wrongful interference includes intentionally usurping a customer's sales for other services, such as title insurance, or any intentional act that creates, supports, or promotes an unlawful interference with business, except that actual damages need not be proven.

**History:** Effective April 1, 2006.

**General Authority:** NDCC 43-01-05

**Law Implemented:** NDCC 43-01-16